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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,745	02/21/2002	David Raymond Posh	AUS920010933US1	5306

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EXAMINER

NGUYEN, MAIKHANH

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,745

Applicant(s)

POSH ET AL.

Examiner

Maikhanh Nguyen

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: original application filed 02/21/2002.
2. Claims 1-24 are currently in this application. Claims 1, 9, and 17 are independent claims.

Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language; or " (Emphasis added.)

4. Claims 1-7, 9-15, and 17-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Borland "Running Microsoft Word 97", pp. 110-113.

As to independent claim 9:

Borland teaches a method of user-interactive document editing (*e.g., revise a document; page 110*) on a display comprising:

- (i) defining one segment (*e.g., select the words; page 113*) of displayed data in a displayed document (*e.g., the same document; page 113*);

- (ii) defining another segment (*e.g., select the words; page 113*) of displayed data in said displayed document (*e.g., the same document; page 113*);
- (iii) enabling a user to select to swap the one segment with the another segment; and swapping the positions of said segments of data with each other (*e.g., position the mouse pointer anywhere in the selection; hold down the Ctrl key, press and hold down the left mouse button drag the selection until a dotted insertion point sits just before the words where you want to move the selection; and release the left mouse button – after doing these steps, the selection words in the first portion are moved to the second position, do the same thing with the words selected at the second position to move the words to the first position; page 113*).

As to dependent claim 10:

Borland teaches highlighting the one and the another segments prior to swapping the positions of the segments (*e.g., select the words you want to move; page 113*).

As to dependent claim 11:

Borland teaches the displayed data in the swapped segments is alphanumeric text (*e.g., the words; page 113*).

As to dependent claim 12:

Borland teaches the alphanumeric text in each of the swapped segment is a phrase (*e.g., instead of selecting **words** to switch their positions, the same procedure described on page 113 can be applied for selecting and swapping positions of **phrases***).

As to dependent claim 13:

Borland teaches the alphanumeric text in each of the swapped segments is a sentence
*(e.g., instead of selecting **words** to switch their positions, the same procedure described on page 113 can be applied for selecting and swapping positions of **sentences**).*

As to dependent claim 14:

Borland teaches the alphanumeric text in each of the swapped segments is a paragraph
*(e.g., instead of selecting **words** to switch their positions, the same procedure described on page 113 can be applied for selecting and swapping positions of **paragraphs**).*

As to dependent claim 15:

Borland teaches the alphanumeric text in each of the swapped segments is at least one page in length *(e.g., instead of selecting **words** to switch their positions, the same procedure described on page 113 can be applied for selecting and swapping positions of **pages**).*

As to independent claim 1:

It is directed to a system for performing the method of claim 9, and is similarly rejected under the same rationale.

As to dependent claims 2-7:

They include the same limitations as in claims 10-15, and are similarly rejected under the same rationale.

As to independent claim 17:

It is directed a computer program for implementing the method of claim 9, and is similarly rejected under the same rationale.

As to dependent claims 18-23:

They include the same limitations as in claims 10-15, and are similarly rejected under the same rationale.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 8, 16, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Borland** in view of **Aratani et al.** (U.S. 6,538,675 – filed 04/1999).

As to dependent claims 8, 16 and 24:

- a. Borland does not explicitly teach “swapping images.”
- b. Aratani teaches swapping images (*e.g., switching images; Abstract & col.1, lines 58-62*).
- c. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the feature from Aratani in the system of Borland because it would have provided the capability for increasing flexibility when editing a document.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamamoto	U.S Patent No. 6,618,061	issued: Sep. 9, 2003
Kunieda et al.	U.S Patent No. 6,661,439	issued: Dec. 9, 2003
Powers et al.	U.S Patent No. 6,686,930	issued: Feb. 3, 2004
Bates et al.	U.S Patent No. 6,735,347	issued: May 11, 2004

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H Feild can be reached on (571) 272-4090.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Maikhanh Nguyen
January 27, 2005


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER